

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CYNTHIA FAIR,)
vs.)
Plaintiff,)
vs.)
JO ANNE B. BARNHART,)
Commissioner of Social Security,)
Defendant.)
CIVIL ACTION NO. 04-0775-CG-L

JUDGMENT

In accordance with the Order entered on this date, it is hereby **ORDERED, ADJUDGED,** and **DECREED** that the decision of the Commissioner of Social Security denying plaintiff benefits be reversed and remanded to the Social Security Administration, see Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157 (1991), for further proceeding consistent with this report and recommendation.

The remand pursuant to sentence four of § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), makes the plaintiff a prevailing party under the Equal Access to Justice Act, 28 U.S.C. §2412, see Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993), and terminates this court's jurisdiction over this matter except the court may consider issues related to fees and costs due and owing to the plaintiff because plaintiff is a prevailing party under the EAJA, and in the future such fees and costs which plaintiff's counsel may be entitled to recover pursuant to the Social Security Act if plaintiff is awarded benefits.

DONE and ORDERED this 30th day of June, 2005.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE